

Senate File 20

SENATE FILE _____
BY KREIMAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to condemnation of property by consent of the
2 property owner.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1018XS 82
5 sc/je/5

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1 1 Section 1. Section 6A.21, subsection 1, paragraph c, Code
1 2 2007, is amended to read as follows:
1 3 c. "Public use" or "public purpose" or "public
1 4 improvement" does not include the authority to condemn
1 5 agricultural land for private development purposes ~~unless the~~
~~1 6 owner of the agricultural land consents to the condemnation.~~
1 7 Sec. 2. Section 6A.22, subsection 1, Code 2007, is amended
1 8 to read as follows:
1 9 1. In addition to the limitations in section 6A.21, the
1 10 authority of an acquiring agency to condemn any private
1 11 property through eminent domain may only be exercised for a
1 12 public purpose, public use, or public improvement. ~~However,~~
~~1 13 if the owner of the property consents to the condemnation, the~~
~~1 14 property may be condemned for any purpose.~~
1 15 Sec. 3. Section 6B.3, subsection 1, paragraph g, Code
1 16 2007, is amended to read as follows:
1 17 g. A showing of the minimum amount of land necessary to
1 18 achieve the public purpose and the amount of land to be
1 19 acquired by condemnation for the public improvement. Any land
1 20 to be acquired by condemnation beyond the necessary minimum to
1 21 complete the project shall be presumed not to be necessary for
1 22 a public use or public purpose unless the applicant can show
1 23 that a substantial need exists for the additional property to
1 24 achieve the public use or public purpose, or that the land in
1 25 question constitutes an uneconomical remnant that has little
1 26 or no value or utility to the owner, ~~or that the owner~~
~~1 27 consents to the condemnation.~~
1 28 EXPLANATION
1 29 Current law provides that government may only exercise the
1 30 power of eminent domain if the property for which condemnation
1 31 is sought is to be used for a public use, public purpose, or
1 32 public improvement or if the owner of the property consents to
1 33 the condemnation. This bill strikes the language relating to
1 34 consent of the owner.
1 35 LSB 1018XS 82
2 1 sc:nh/je/5